

# EXHIBIT A

**From:** [Michael Murphy](#)  
**To:** [Zachary Hansen](#)  
**Cc:** [Michael Murphy, Jr.](#); [Bryan Sullivan](#); [abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com); [Ellis, Gregory A.](#); [Robie Atienza-Jones](#); [Salvaty, Paul B.](#)  
**Subject:** RE: Biden v. Byrne; 2:23-cv-9430-SVW-PDx  
**Date:** Friday, November 1, 2024 7:57:37 AM

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Zachary,

You are correct. The joint witness list and exhibit list are supposed to be prepared with us working cooperatively and together. I cannot prepare a joint witness list and exhibit list without reviewing the bates stamped documents you are only now sending me today and with the failure of your client's doctor to produce her medical records until sometime today and one week late. They were due for production on October 25, 2024. I cannot work on a required filings when I do not have all the required information from you. I am waiting for you.

When I indicate that I will not agree to anything what I am saying is that once I receive the rest of the information I need from you and your client's doctor, I will then be able to complete my portion of the work. Until that time, I cannot agree to accept what you have sent to me and approve it because it is incomplete.

Thank you for confirming that you have not received any documents from Dr. Berlin. I also appreciate your confirmation that you will not agree to our requested motions in limine orders. We will now proceed with the preparation and filing of those motions. I also plan to include one to preclude your client from using character evidence of our client to attack him during the trial of the case. I will assume you will not agree to that motion unless I hear from the contrary by you.

We look forward to receiving the mediation form today.

Very truly yours,

Michael C. Murphy, Esq.

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**From:** Zachary Hansen <[zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)>  
**Sent:** Friday, November 1, 2024 7:12 AM  
**To:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>  
**Cc:** Michael Murphy, Jr. <[michael.jr@murphlaw.net](mailto:michael.jr@murphlaw.net)>; Bryan Sullivan <[bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)>; [abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com); Ellis, Gregory A. <[gaellis@winston.com](mailto:gaellis@winston.com)>; Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; Salvaty, Paul B. <[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>  
**Subject:** RE: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Michael,

First, the exhibit list and the witness list are supposed to be joint documents. However, that requires your good faith participation and cooperation in the process of preparing those documents. We will be producing the additional documents today once I have them all together and get them bates stamped. We will then update the exhibit list to include the actual bates numbers for each and will resend to you. You have plenty of time to review these and complete your portions of these joint documents before Monday, particularly because there was and is nothing preventing you from starting that process now or this past Monday even since you have all of the documents produced by both parties and presumably could have evaluated them to include on an exhibit list. So, your refusal to start working on these documents until you see the additional documents we will be producing is without merit. Regardless, you will have those documents today. If I do not have your portions of the joint witness and exhibit list back by 2pm on Monday, we will proceed with filing our own lists.

Second, I was not asking you to agree to anything, but your statement that you “will not be agreeing to anything” is noted. I was simply reserving our rights to include additional witnesses and exhibits pending on Defendant’s deposition, which I do not need your agreement to do. If Defendant does not wish to have the same reservation, then that is his prerogative.

Third, as I told Michael Jr. earlier this week, Dr. Berlin is a third party and I do not control her document production, nor have I reviewed or been in possession of Plaintiff’s medical records pursuant to the subpoena at any time. Your inquiries in this regard are more appropriately directed to Titan Legal. In this same vein, I am still waiting on the document production from Capitol Times Media LLC, which was due nearly six weeks ago, do you have possession of and have you reviewed the documents from Capitol Times Media LLC?

Fourth, we will not stipulate to the court granting any of your motions in limine, all of which are without merit. Your motions seek to exclude all evidence of damages to my client, including opinion testimony from any witness, which are entirely baseless and improper requests. As for our motions in limine, we do not currently have any, however we expressly reserve the right to submit whatever motions in limine we deem necessary following Defendant’s deposition.

Finally, we will send you the mediation form today.

Best Regards,

Zachary Hansen



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**From:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>  
**Sent:** Thursday, October 31, 2024 8:29 PM  
**To:** Zachary Hansen <[zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)>  
**Cc:** Michael Murphy, Jr. <[michael.jr@murphlaw.net](mailto:michael.jr@murphlaw.net)>; Bryan Sullivan <[bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)>; [abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com); Ellis, Gregory A. <[gaellis@winston.com](mailto:gaellis@winston.com)>; Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; Salvaty, Paul B. <[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>  
**Subject:** Re: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Zachary:

You are right. The documents were attached but very difficult to find in the long streams of e-mails in my cell phone. I will not be agreeing to anything and will not complete my portions of the submissions you sent until I carefully review everything.

Here is a list of our motions in limine:

1. Preclude any evidence or claim for emotional distress by your client.
2. No expert testimony and/or opinions evidence by your client by any of his witnesses on the witness list including your client.
3. No evidence or claim made by your client as to lost profits from book sales.
4. No evidence or claim made by your client as to lost profits from art sales.
5. No evidence or claims for lost business opportunities.

Please let me know if you will stipulate to the court granting our motions listed above. We reserve the right to add to the list of motions after we review the joint exhibit list and the joint witness list that I you sent tonight and the production of all documents that you are sending us tomorrow.

Do you have possession of and have you reviewed any of your client's medical records? Let me know.

Finally, we are still waiting for the mediation form. You were going to send it today.

Very truly yours,

Michael C. Murphy, Esq.

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**From:** Zachary Hansen <[zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)>  
**Sent:** Thursday, October 31, 2024 8:15:41 PM  
**To:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>  
**Cc:** Michael Murphy, Jr. <[michael.jr@murphlaw.net](mailto:michael.jr@murphlaw.net)>; Bryan Sullivan <[bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)>; [abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com) <[abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com)>; Ellis, Gregory A. <[gaellis@winston.com](mailto:gaellis@winston.com)>; Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; Salvaty, Paul B. <[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>  
**Subject:** RE: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Michael,

The documents were indeed attached. Please refrain from these false accusations in the future because this is not the first this has happened. There is no reason that you need the documents to complete your portions of the lists, however we will make the production tomorrow regardless to avoid any further accusations or delays.



**ZACHARY HANSEN | ASSOCIATE ATTORNEY**

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**From:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>  
**Sent:** Thursday, October 31, 2024 6:47 PM  
**To:** Zachary Hansen <[zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)>  
**Cc:** Michael Murphy, Jr. <[michael.jr@murphlaw.net](mailto:michael.jr@murphlaw.net)>; Bryan Sullivan <[bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)>; [abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com); Ellis, Gregory A. <[gaellis@winston.com](mailto:gaellis@winston.com)>; Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; Salvaty, Paul B. <[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>  
**Subject:** Re: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Hi Zachary:

There are no attachments to your e-mail. Please send them to me. I cannot complete the joint lists until I receive your production of documents that you are not sending me until Monday and I have a reasonable amount of time to review them.

Very truly yours,

Michael C. Murphy, Esq.

Sent from my iPhone

On Oct 31, 2024, at 4:40 PM, Zachary Hansen <[zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)> wrote:

Hi Michael,

Attached to this email are drafts of the joint witness and exhibit lists in word format. For the exhibit list, to get us started I included your exhibits from my client's deposition and the portions of your document production that are not included in Plaintiff's exhibit list to avoid duplicity, but please alter whatever you feel is necessary in Defendant's exhibits from 600 on in this document. I also designated Defendant's exhibits as starting at 600 in accordance with how you labeled them that Plaintiff's deposition. Please include any of your additional exhibits. After we finalize the list and file it, I will circulate a duplicate list with another column for each side to assert their respective objections to the exhibits and we can submit that with the Final Pretrial Conference Order, pursuant to LR 16-6.3.

Please note, on the exhibit list we have included some additional documents that we have found in the public domain recently which currently have highlighted cites to Plaintiff's bates numbers as place holders. We will make a supplemental production of these documents on Monday and will include the actual bates numbers assigned to each in the list when we file. You will then be able to review those documents before we have to assert our respective objections to include in the Final Pretrial Conference Order.

For the witness list, please add your witnesses and note how much time you anticipate for cross-exam of our witnesses. Once I receive the list back from you, I will do the same.

Due to the fact that discovery is ongoing and we have not taken Defendant's deposition yet, Plaintiff expressly reserves the right to amend both of these lists to include additional witnesses and exhibits as necessary. We assume Defendant will have the same reservation, so we have noted this in each document as being a mutual agreement. Please send these documents back to me with Defendant's portions included by Monday morning so that we have time to include our cross-exam estimations and finalize for filing that day. Thank you.

Best Regards,

Zachary Hansen

<image001.jpg>

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**From:** Zachary Hansen

**Sent:** Wednesday, October 30, 2024 6:36 PM

**To:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>

**Cc:** Michael Murphy, Jr. <[michael.jr@murphlaw.net](mailto:michael.jr@murphlaw.net)>; Bryan Sullivan

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<[abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com)>; 'Ellis, Gregory A.' <[GAEllis@winston.com](mailto:GAEllis@winston.com)>;

Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; 'Salvaty, Paul B.'

<[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>

**Subject:** RE: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Michael,

We are not holding up anything, in fact I have been trying to meet and confer with you all week as required by the Local Rules but you claimed you did not have any time this entire week for a call. I just told you we are not designating a rebuttal expert, as such there is nothing to include in that regard on any of the documents. Once again you are throwing unfounded accusations around unnecessarily. We are not required to designate an expert and we have chosen not to. If you want to proceed with a MIL to exclude an expert we have already told you we will not be designating then that is your prerogative.

Rule 16.2 clearly sets forth all matters the parties are required to meet and confer on and that is what I am referring to. Please let me know when you have time for this call. If you now do have the time for a call this week, that would be my preference.

Also, can you please tell me know what MIL's you plan to file so we can make that eventual meet and confer call efficient and productive? It seems you already have four in mind so that really should be an easy thing to tell us.

Best Regards,

Zachary Hansen

<image001.jpg>

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**From:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>

**Sent:** Wednesday, October 30, 2024 6:21 PM

**To:** Zachary Hansen <[zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)>

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<[abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com)>; 'Ellis, Gregory A.' <[GAEllis@winston.com](mailto:GAEllis@winston.com)>;

Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; 'Salvaty, Paul B.'

<[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>

**Subject:** Re: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Zachary:

Your IME designation is for your client's expert for his claim for emotional distress. Your contention that this IME expert and his or her documents do not need to be on the joint witness list, joint exhibit list and Rule 26f disclosure flies in the face of your obligations under the local rules and statutory rules that are applicable to this case.

You are holding up this pretrial work with your unreasonable delay providing this information. Either you are going to supply it or I am proceeding with a motion in limine to obtain a court order blocking your expert from testifying.

You can prepare the mediation form and send it to me. Other than motions in limine, what other rule 16 issues need to be discussed?

Very truly yours,

Michael C. Murphy, Esq.

---



**From:** Zachary Hansen <[zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)>  
**Sent:** Wednesday, October 30, 2024 6:07 PM  
**To:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>  
**Cc:** Michael Murphy, Jr. <[michael.jr@murphlaw.net](mailto:michael.jr@murphlaw.net)>; Bryan Sullivan <[bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)>; 'abbelowellpublicoutreach@winston.com' <[abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com)>; 'Ellis, Gregory A.' <[GAEllis@winston.com](mailto:GAEllis@winston.com)>; Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; 'Salvaty, Paul B.' <[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>  
**Subject:** RE: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Michael,

Based on your email, it appears that we don't need a continuance after all. Indeed, you said to send over the exhibit list and witness list, which we will do tomorrow. As you may recall, I raised the issue of a continuance in my email on Tuesday and you did not agree to a continuance, so we prepared everything for filing on Monday. As to how you can complete the witness and exhibit list without knowing our expert witness, that won't be an issue because we will not be designating one. However, your assertion that we have continued to delay informing you of our IME expert is not only incorrect since we just received the IME report yesterday, but it is yet another obvious attempt to throw unfounded accusations around.

As to the meet and confer, I offered to meet and confer with you in my email on Monday (to which I received no response) and then again on Tuesday, but you said: "I will not be available this week. I am tied up with other time sensitive projects. I can meet and confer next Tuesday and anytime that is good for you. Let me know a good time to meet." So, I had assumed we would be meeting and conferring next week as you stated you were not free until then. But, if you now have availability to meet and confer on motions in limine and the other Rule 16 issues, I will make myself available tomorrow or Friday. Please advise.

Moreover, I did not refuse to meet and confer on motions in limine, but relied on your statements that you were not free this week. We are willing to meet and confer on motions in limine tomorrow or Friday given that you apparently now have availability.

As to the mediation, again, I proposed that we discussed this earlier this week, but I was relying on your statement that you were not available this week and that we would discuss this on Tuesday of next week. I will prepare the form and send it to you.

Best Regards,

Zachary Hansen

<image001.jpg>

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**From:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>  
**Sent:** Wednesday, October 30, 2024 4:44 PM  
**To:** Zachary Hansen <[zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)>  
**Cc:** Michael Murphy, Jr. <[michael.jr@murphlaw.net](mailto:michael.jr@murphlaw.net)>; Bryan Sullivan <[bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)>; 'abbelowellpublicoutreach@winston.com' <[abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com)>; 'Ellis, Gregory A.' <[GAEllis@winston.com](mailto:GAEllis@winston.com)>; Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; 'Salvaty, Paul B.' <[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>  
**Subject:** RE: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Hi Zachary:

This will confirm my receipt of your e-mail. Your refusal to agree to a stipulation for a continuance of the upcoming dates in my previous e-mail to you is noted. We are waiting for your portions of the joint witness list and joint exhibit list in Microsoft Word format. We can then promptly complete them and send them back to you. How do you plan to complete the witness list and exhibit list without your expert witness being designated and related information as well as documents reasonably provided to us? Our memorandum of contentions of law and fact is completed.

Your continued delay in not providing us with your IME's expert designation and information but expecting us to promptly prepare the joint witness list and exhibit list without that information is unreasonable. Your IME expert should have already been lined up by you. I plan to proceed with a motion in limine to exclude your designated IME expert's testimony and related documents if I do not receive this requested information from you with the joint exhibit list and joint witness list.

I requested that we address motions in limine. You did not respond which I will now assume is a refusal by you to have a meet and confer on the motions. We plan to proceed with the filing of our motions in limine without waiting any more

for you.

As for mediation, I had proposed a judge from the neutral panel. I did not hear back from you. Under Rule 41, it is your responsibility to follow up with the mediation and do what is necessary to schedule it. I have not withheld any information you have needed from me to schedule the mediation including by the original deadline date required by the local rules.

Very truly yours,

Michael C. Murphy, Esq.

---

**From:** Zachary Hansen <[zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)>

**Sent:** Wednesday, October 30, 2024 4:26 PM

**To:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>

**Cc:** Michael Murphy, Jr. <[michael.jr@murphlaw.net](mailto:michael.jr@murphlaw.net)>; Bryan Sullivan <[bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)>; 'abbelowellpublicoutreach@winston.com' <[abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com)>; 'Ellis, Gregory A.' <[GAEllis@winston.com](mailto:GAEllis@winston.com)>; Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; 'Salvaty, Paul B.' <[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>

**Subject:** RE: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Hi Michael,

We see no need at this point to continue any of the pretrial dates or any of the deadlines associated with Defendant's Motion for Summary Judgment as we are ready to proceed on all fronts. As such, we will not agree to enter into a stipulation to continue any of the dates you propose. It's interesting you are now wanting to continue such dates, when you previously refused to do so earlier this week upon my suggestion, which caused us to change our position and plan to proceed with the current deadlines. We will send you the Exhibit List and Witness List tomorrow so that you can enter Defendant's portions, send them back to me in a timely manner, and we can file the same on Monday by the deadline. As for the memorandum of contentions of facts and law, we are working on that but may not have a draft of our portion ready until Monday. This is why I wanted to have a meet and confer call this week with you to discuss what we side would include in that memorandum, but you claimed to be too busy on other matters to have such a call. Therefore, we will send you our portion of that memorandum when we have it ready. You could expediate that process by sending us Defendant's portions of that document this week.

As I told you yesterday, we are evaluating the IME report that we only received a day ago and will inform you of our decision regarding a rebuttal expert this week.

With respect to the Court's order, we expect compliance with that order which requires you to provide written notice of which district Defendant will appear in for his deposition within 5 days of the order. That means by Monday 11/4 we need that information from you in writing. We will then propose a date and time thereafter, as ordered by the Court. The Court's Order also says nothing about paying for ground transportation as you claim in your email and thus Plaintiff will not be paying for those expenses. We will adhere to the Order, which means Plaintiff will only pay for the airfare and hotel for Defendant.

Finally, I never received a response from you regarding our proposal to proceed with a mediation before a neutral from the Court's panel, as you initially suggested. Please let me know if you agree to do that and, if so, we can prepare an application for the Court to set a date for us.

Best Regards,

Zachary Hansen

<image001.jpg>

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**From:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>

**Sent:** Wednesday, October 30, 2024 12:29 PM

**To:** Zachary Hansen <[zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)>

**Cc:** Michael Murphy, Jr. <[michael.jr@murphlaw.net](mailto:michael.jr@murphlaw.net)>; Bryan Sullivan <[bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)>; 'abbelowellpublicoutreach@winston.com' <[abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com)>; 'Ellis, Gregory A.' <[GAEllis@winston.com](mailto:GAEllis@winston.com)>; Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; 'Salvaty, Paul B.' <[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>

**Subject:** RE: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Hi Zachary:

As you may know, the magistrate judge issued an order today that our client's

deposition is to be taken in a federal judicial district selected by him and with your client paying all of his round trip travel expenses including ground transportation, hotel, and a business class airline ticket. Based on the foregoing, I would like to propose that we enter a stipulation for a court order with the trial judge for the following:

1. Continue the hearing of our client's motion for summary judgment and/or for summary adjudication of issues and the pretrial conference to a new date and time to precede the trial date.
1. Set a new date for your client to file his opposition to our motion for summary judgment and for us to file a reply to your client's opposition.
1. Set a new date for pretrial filings which consist of the joint witness list, joint exhibit list and memorandum of contentions of law and fact.
1. Set a date and time for the filing and hearing of motions in limine after a meet and confer. We have at least four.

We can get back to you soon with a proposed federal judicial district from our client. You can then promptly propose a date, location in the selected district, and time to notice the deposition of our client which we would want to occur sooner rather than later. That date will then affect our stipulation dates listed above.

We have still not heard from you with your designation of your IME expert, his or her CV, and other information that must be contained in an appropriate expert witness designation that is due now. We also have not separately received from you any proposed dates and times to depose that expert and have their requested documents produced at a deposition. Otherwise, we will want to proceed with a motion in limine precluding your client from calling any medical professional to testify about your client's emotional distress.

Please let me know how you want to proceed and in response to this e-mail. I anticipate hearing from you as soon as possible.

Very truly yours,

Michael C. Murphy, Esq.

---

**From:** Zachary Hansen <[zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)>  
**Sent:** Tuesday, October 29, 2024 3:34 PM  
**To:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>  
**Cc:** Michael Murphy, Jr. <[michael.jr@murphlaw.net](mailto:michael.jr@murphlaw.net)>; Bryan Sullivan <[bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)>; 'abbelowellpublicoutreach@winston.com' <[abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com)>; 'Ellis, Gregory A.' <[GAEllis@winston.com](mailto:GAEllis@winston.com)>; Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; 'Salvaty, Paul B.' <[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>  
**Subject:** RE: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Michael,

Alright, we will proceed based on the November 4<sup>th</sup> deadline for those documents then. I will circulate drafts of the exhibit list and witness list this week. With respect to the memorandum of contentions of law and fact, that document is not joint – each party has to file their own so we will only be circulating the exhibit list and witness list to you. Do you plan to file and serve your memorandum of contentions of law and fact by November 4<sup>th</sup>?

With respect to the rebuttal expert issue, you just sent us the IME report less than 20 minutes before your latest email. I will get back to you with a response on that issue in the next few days.

Best Regards,

Zachary Hansen

<image001.jpg>

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**From:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>

**Sent:** Tuesday, October 29, 2024 3:12 PM

**To:** Zachary Hansen <[zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)>

**Cc:** Michael Murphy, Jr. <[michael.jr@murphlaw.net](mailto:michael.jr@murphlaw.net)>; Bryan Sullivan <[bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)>; 'abbelowellpublicoutreach@winston.com' <[abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com)>; 'Ellis, Gregory A.' <[GAEllis@winston.com](mailto:GAEllis@winston.com)>; Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; 'Salvaty, Paul B.' <[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>

**Subject:** RE: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Hi Zachary:

You can start the process by sending over your pretrial documents such as the exhibit list, witness list and statement of contentions of fact and law. I also need from you a list of any motions in limine you may want to file. I can then work from what you have sent me and get it back to you. Everything should be sent to me in Microsoft word. We are also waiting for you to designate your IME expert, provide us with his or her expert witness information and a date next week to depose the expert.

Very truly yours,

Michael C. Murphy, Esq.

---

**From:** Zachary Hansen <[zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)>

**Sent:** Tuesday, October 29, 2024 2:58 PM

**To:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>

**Cc:** Michael Murphy, Jr. <[michael.jr@murphlaw.net](mailto:michael.jr@murphlaw.net)>; Bryan Sullivan <[bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)>; 'abbelowellpublicoutreach@winston.com' <[abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com)>; 'Ellis, Gregory A.' <[GAEllis@winston.com](mailto:GAEllis@winston.com)>; Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; 'Salvaty, Paul B.' <[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>

**Subject:** RE: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Michael,

We have a deadline on Monday November 4<sup>th</sup> to file the joint exhibit list, joint witness list, and each of our respective statements of contentions of law and fact. We need to have a conference call to discuss these matters before those documents are filed. If you are unavailable to have a videoconference with me this week then I propose we stipulate to extend the deadline to file these three pretrial documents from November 4<sup>th</sup> to November 12<sup>th</sup>. Please confirm your agreement to this stipulation.

Also, with respect to the required mediation, we agree that going through a neutral

selected from the Court's mediation panel is the way to go. We however do not have much time to schedule this, so we need to work together to get this on calendar. I will circulate a request in this regard to file with the Court tomorrow.

Best Regards,

Zachary Hansen

<image001.jpg>

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**From:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>

**Sent:** Tuesday, October 29, 2024 2:36 PM

**To:** Zachary Hansen <[zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)>

**Cc:** Michael Murphy, Jr. <[michael.jr@murphlaw.net](mailto:michael.jr@murphlaw.net)>; Bryan Sullivan <[bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)>; 'abbelowellpublicoutreach@winston.com' <[abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com)>; 'Ellis, Gregory A.' <[GAEllis@winston.com](mailto:GAEllis@winston.com)>; Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; 'Salvaty, Paul B.' <[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>

**Subject:** RE: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Hi Zachary:

I will not be available this week. I am tied up with other time sensitive projects. I can meet and confer next Tuesday and anytime that is good for you. Let me know a good time to meet.

Very truly yours,

Michael C. Murphy, Esq.

---

**From:** Zachary Hansen <[zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)>



**Sent:** Tuesday, October 29, 2024 2:17 PM  
**To:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>  
**Cc:** Michael Murphy, Jr. <[michael.jr@murphlaw.net](mailto:michael.jr@murphlaw.net)>; Bryan Sullivan <[bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)>; 'abbelowellpublicoutreach@winston.com' <[abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com)>; 'Ellis, Gregory A.' <[GAEllis@winston.com](mailto:GAEllis@winston.com)>; Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; 'Salvaty, Paul B.' <[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>  
**Subject:** RE: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Hi Michael,

This is now my third attempt to follow-up with you about this. Please let me know at your earliest convenience whether you are available tomorrow for the conference call I proposed in my email from yesterday (below). Thank you.

Best Regards,

Zachary Hansen

<image001.jpg>

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**From:** Zachary Hansen  
**Sent:** Tuesday, October 29, 2024 7:48 AM  
**To:** 'Michael Murphy' <[michael@murphlaw.net](mailto:michael@murphlaw.net)>  
**Cc:** 'Michael Murphy, Jr.' <[michael.jr@murphlaw.net](mailto:michael.jr@murphlaw.net)>; Bryan Sullivan <[bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)>; 'abbelowellpublicoutreach@winston.com' <[abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com)>; 'Ellis, Gregory A.' <[GAEllis@winston.com](mailto:GAEllis@winston.com)>; Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; 'Salvaty, Paul B.' <[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>  
**Subject:** RE: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Hi Michael,

I am following up on the below. Please let me know of your availability to have this call sometime either today or tomorrow. At this point, tomorrow would be my preference but I can make today work if needed. Please let me know as soon as possible.

Best Regards,

Zachary Hansen

<image001.jpg>

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**From:** Zachary Hansen

**Sent:** Monday, October 28, 2024 11:03 AM

**To:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>

**Cc:** Michael Murphy, Jr. <[michael.jr@murphlaw.net](mailto:michael.jr@murphlaw.net)>; Bryan Sullivan <[bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)>; 'abbelowellpublicoutreach@winston.com' <[abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com)>; 'Ellis, Gregory A.' <[GAEllis@winston.com](mailto:GAEllis@winston.com)>; Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; 'Salvaty, Paul B.' <[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>

**Subject:** RE: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Hi Michael,

I propose that you and I have a conference call this week, either tomorrow or Wednesday (tomorrow would be my preference because it is sooner), to discuss the mediation issue you outlined below. In that same call let's plan to have the pretrial conference required by Local Rule 16-2 as well, and if there are any issues we need to address later or come back to we can do so. I know the rules say "in person", but I think if we agree on a telephonic or zoom conference that should be fine. Does that work for you? If so, I am available anytime tomorrow or Wednesday before 3pm PST. Please let me know what day and time you prefer. Thank you.

Best Regards,

Zachary Hansen

<image001.jpg>

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**From:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>

**Sent:** Friday, October 25, 2024 1:31 PM

**To:** Zachary Hansen <[zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)>

**Cc:** Michael Murphy, Jr. <[michael.jr@murphlaw.net](mailto:michael.jr@murphlaw.net)>; Bryan Sullivan <[bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)>; 'abbelowellpublicoutreach@winston.com' <[abbelowellpublicoutreach@winston.com](mailto:abbelowellpublicoutreach@winston.com)>; 'Ellis, Gregory A.' <[GAEllis@winston.com](mailto:GAEllis@winston.com)>; Robie Atienza-Jones <[rjones@earlysullivan.com](mailto:rjones@earlysullivan.com)>; 'Salvaty, Paul B.' <[PSalvaty@winston.com](mailto:PSalvaty@winston.com)>

**Subject:** RE: Biden v. Byrne; 2:23-cv-9430-SVW-PDx

Hi Zachary:

Under Local Rule 16-15.2, counsel and the parties are required to participate in a mediation 45 days before the pretrial date. This is mandatory. We are late. We are willing to use a neutral from the court's panel. Our client will have to appear by telephone.

Under Local Rule 16-2, a personal meeting must be held by trial counsel no later than 40 days before the pretrial conference to discuss and prepare the court's ordered documentation that is required to be filed before the pretrial conference including a draft of the pretrial order. We are no 14 days late and not in compliance with the rule of court and the court's civil trial preparation order.

Please review this e-mail and let me know how you want to proceed.

Very truly yours,